

REMARKS

Claims 1-54 were pending. Claims 1-2, 7, 10, 13, 17-18, 23-25, 29, 33-43, 45-47 and 49-54 are canceled herein without prejudice. Claims 3-6, 8-9, 11-12, 14-16, 19-22, 26-28, 30-32, 44 and 48 are amended. Support for the amended claims are found throughout the specification at, *inter alia*, the original claims and page 5, lines 7-11. Claims 3-6, 8-9, 11-12, 14-16, 19-22, 26-28, 30-32, 44 and 48 are pending. No claim is allowed.

Applicants gratefully acknowledge the indication that claims 26-28 and 30-32 are allowable but for being dependent on a rejected base claim. Based on the Examiner's objection, dependent claim 26 and 30 are amended herein and are now independent claims with all other remaining pending claims being dependent (directly or indirectly) on these claims.

Rejection Under 35 U.S.C. § 102 (b)

Claims 1-25, 29 and 33-54 are rejected as allegedly being anticipated by WO 99/47073 (the '073 application) for reasons of record. Briefly, the Examiner asserts that the '073 application disclosure a liquid polymeric composition for controlled release of a bioactive composition which comprises a solvent mixture of a hydrophobic solvent and a hydrophilic solvent, a bioerodible polymer and a drug. Among other things, the Examiner alleges that the rate of initial drug delivery, viscosity ranges, and solubility of the hydrophobic solvent are inherent. Applicants traverse this rejection.

While not acquiescing to the rejection, the claims are amended herein in response to the Examiner's indication that the subject matter of claims 26-28 and 30-32 are allowable if not dependent on a rejected base claim. Therefore, Applicants respectfully request the withdrawal of this rejection.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 146392000500.

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Respectfully submitted,

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